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BEFORE THE ARIZONA CORPORATION COMMISSION

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COMMISSIONERS

KRISTIN K. MAYES - Chairman
GARY PIERCE
PAUL NEWMAN
SANDRA D. KENNEDY
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AZ CORP COMMISSION
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Arizona Corporation Commission

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MAR 26 2010

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IN THE MATTER OF THE APPLICATION OF
WHITE HORSE RANCH OWNERS
ASSOCIATION, INC. FOR APPROVAL OF A
RATE INCREASE.

DOCKET NO. W-04161A-09-0471

PROCEDURAL ORDER

BY THE COMMISSION:

On September 30, 2009, White Horse Ranch Owners Association, Inc. ("Company" or "Applicant") filed with the Arizona Corporation Commission ("Commission") an application for an increase in its permanent rates and charges ("Application"). Concurrently with its Application, the Company filed certification that it had provided public notice of its rate Application to its customers.

On October 29, 2009, the Commission's Utilities Division ("Staff") issued a Notice of Insufficiency pursuant to A.A.C. R14-2-103.

On December 21, 2009, Staff issued a Notice of Sufficiency indicating that the Company's rate Application was sufficient, and classified the Company as a Class D utility.

On March 10, 2010, Staff filed its report recommending approval of its proposed rates and charges.

On March 19, 2010, the Company's consultant filed a response to the Staff Report and proposes several new alternatives to Applicant's initial proposal for a rate increase.

Pursuant to A.R.S. § 40-243, a public service corporation may be represented by a corporate officer, employee, or a member who is not an active member of the state bar, if (1) the corporation has specifically authorized the officer, employee, or member to represent it in the particular matter; (2) such representation is not the person's primary duty to the corporation, but is secondary or incidental to such person's duties relating to the management or operation of the corporation.

Under the circumstances, a procedural conference should be scheduled to review whether a

1 hearing should be scheduled or whether Staff and the Company may be able to resolve their
2 differences concerning the alternative proposals. Additionally, pursuant to A.A.C. R14-2-103, the
3 time frame should be suspended until further Order.

4 IT IS THEREFORE ORDERED that a procedural conference shall be should on **April 19,**
5 **2010 at 10:00 a.m.**, at the Commission's offices, 1200 West Washington St., Room 100, Phoenix,
6 Arizona.

7 IT IS FURTHER ORDERED that pursuant to A.A.C. R14-2-103, that the timeframe in this
8 proceeding shall be suspended until further Order.

9 IT IS FURTHER ORDERED that withdrawal of representation must be made in compliance
10 with A.A.C. R14-3-104(E) and Rule 1.16 of the Rules of Professional Conduct (under Rule 42 of the
11 Rules of the Arizona Supreme Court). Representation before the Commission includes appearances
12 at all hearings and procedural conferences, as well as all Open Meetings for which the matter is
13 scheduled for discussion, unless counsel has previously been granted permission to withdraw by the
14 Administrative Law Judge or the Commission.

15 IT IS FURTHER ORDERED that the Ex Parte Rule (A.A.C. R14-3-113 - Unauthorized
16 Communications) continues to apply to this proceeding and shall remain in effect until the
17 Commission's Decision in this matter is final and non-appealable.

18 IT IS FURTHER ORDERED that the Administrative Law Judge may rescind, alter, amend,
19 or waive any portion of this Procedural Order either by subsequent Procedural Order or by ruling at
20 hearing.

21 DATED this 26TH day of March, 2010.

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26 MARC E. STERN
27 ADMINISTRATIVE LAW JUDGE
28


1 Copies of the foregoing mailed/delivered
this 26th day of March, 2010 to:

2
3 Ray Jones
4 WHITE HORSE RANCH
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14 By: 
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Assistant to Marc E. Stern